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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Second periodic reports of States parties due in 1986

Addendum

PANAMA */

[29 November 1990]

*/ This document contains information additional to that given in the second periodic report of Panama (CCPR/C/42/Add.7).

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PANAMA

1. The Government of the Republic of Panama has pleasure in submitting this report additional to that transmitted by the Government of President Eric Arturo Delvalle to the Human Rights Committee under the International Covenant on Civil and Political Rights.

2. The Government of National Reconstruction and Reconciliation presided over by His Excellency President Guillermo Endara Galimany has adopted legislative, judicial and administrative measures to restore the full enjoyment in our country of the human rights set forth in the instruments signed and ratified by Panama.

3. One of the first measures was the reopening of the media, which had previously been closed and had faced criminal proceedings on fabricated charges of action likely to endanger the State.

4. Other media, which had been expropriated from their rightful owners by the deposed military régime for its own use, were duly returned to their original owners.

5. In order to guarantee full enjoyment of freedom of expression, one of the first acts of the new Government was to issue Decree No. 137 of 21 March 1990, repealing Decrees Nos. 61 and 61a of 24 July 1987, which constituted means of restricting freedom of expression. This freedom, together with the right to life, is one of the most precious of human rights.

6. Through Decision No. 1 of 22 January 1990, the Ministry of the Interior and Justice granted legal capacity to the National College of Journalists, whose principal objective is to ensure compliance with ethical standards in Panamanian journalism.

7. The National Government has appointed a National Advisory Commission on the regulations governing the mass media. The Commission is to submit a report to the Executive for the purpose of the implementation of regulations that will fully guarantee the right to freedom of expression as laid down in the Constitution.

8. Immediately after the change of Government, a large number of detainees were released. These were former military personnel who had been involved in abortive military coups and a few civilians who had been detained on charges of action likely to endanger the internal security of the State; most of them had been subjected to serious physical and mental torture.

9. Very important progress has been made in the protection of human rights with the adoption of the following measures:

(a) Establishment of a special prosecutor's office to investigate the homicide of Mr. Hugo Spadafora Franco and other homicides;

(b) Disbandment of the Defence Forces, thereby demonstrating the determination of the new Government that Panama should no longer possess an armed institution whose leadership arrogates to itself powers other than those laid down in the Constitution and by law and thus transforms itself into an organ of repression;

(c) Restoration of the independence of the Judiciary and of the Public Prosecutor's Office. This has been made possible by the appointment of competent officials who, in exercising their functions, act in conformity only with the Constitution and law, thereby guaranteeing the impartial administration of justice;

(d) By Cabinet Decree No. 17 of 24 January 1990, the provisions enacted by the previous Government whereby the legal profession had been suspended since 1969 were repealed or amended with the aim of guaranteeing and effectively promoting a judicial system in which officials feel protected and are truly independent;

(e) Restor[illegible]n of the judicial guarantees laid down in the Constitution;

(f) Through its various investigating agencies, since January 1990 the Public Prosecutor's Office has been conducting a number of investigations which, because of their political implications, had not been carried out in order to protect the culprits;

(g) Under the new judicial system a criminal investigation department has been set up with responsibility for carrying out criminal investigations independently of the police. This department will subsequently be attached to the Public Prosecutor's Office as one of its subordinate bodies and not as a supra-institutional body.

10. By Decree No. 50 of February 1990, the Cabinet Council approved the repeal of the final paragraph of article 2606 of the Judicial Code, which imposed undue restrictions on exercise of the remedy of amparo (enforcement of constitutional rights).

11. The Government of Panama is also determined to carry out reforms to the national prison system, which is based on article 28 of the Panamanian Constitution. This article stipulates that the prison system is founded on principles of security, rehabilitation and social defence. The implementation of measures that jeopardize the physical, mental or moral integrity of detainees is prohibited.

12. Among these reforms, it should be mentioned that the Ministry of the Interior and Justice has established, through Decree No. 134 of 20 March 1990, the National Advisory Commission on the bill relating to the national prison system. This Commission has examined and finalized the preliminary text, which has since been transmitted to the Ministry of the Interior and Justice, its presentation before the Legislative Assembly is pending. The new text is based on the principles of rehabilitation, protection and security, and the standards it lays down are designed to establish institutions and procedures for the benefit of both offenders entering prisons and society, to which offenders will return on release.

13. Courses and seminars are also being organized to assist detainees with their reintegration into society and for their personal development.

14. It should be mentioned that some prisoners were apparently linked to offences committed under the previous Government. The Public Prosecutor's Office is carrying out the relevant investigations. However, the persons in question are entitled to all necessary visits from their legal representatives

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as well as their relatives, and everything is being done to provide them with all the facilities which their circumstances require. In addition, measures have been taken to ensure their personal safety whenever they have to attend the courts in response to a summons.

15. Through a number of State organizations, Panama is providing effective support for relatives of persons who died during the regrettable events that took place in our country in December 1989. In this connection, it should be mentioned that, following the formation of a group of relatives of victims, steps have been taken to co-ordinate the relevant procedures for exhumation from common graves, in order to allow mortal remains to be returned to relatives, after identification, for a decent burial. If other mass graves should be found, similar steps will be taken.

16. In February 1990, the Government of Panama transmitted a declaration to the Organization of American States, in which it recognized the jurisdiction of the Inter-American Court of Human Rights.

17. The new National Government wishes to assure the Human Rights Committee that it will not falter in carrying out any action intended to increase respect for, and protection of, human rights; to this end all necessary measures will be adopted, including the reform of existing legislation.

18. In addition, it has added article 114 to the Civil Code in order to place the grounds for divorce for men and women on an equal footing; previously, adultery constituted sufficient grounds where women were concerned, while aggravated adultery was required in the case of men.

19. Furthermore, amendments have been made and innovations introduced in the administration of justice, in particular through the establishment of four national criminal circuit courts; the number of high court judges required to pronounce final judgement of cases has been reduced from 5 to 2 and the number of circuit judges making up the Collegiate Court of Second Instance has been reduced from 11 to 3. All these changes have been effective as from 28 September 1990.